

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DOUG BURCHFIELD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action File No.
	:	1:07-CV-1263 (TWT)
CSX TRANSPORTATION, INC.,	:	
THE ANDERSONS, INC.,	:	
	:	
Defendants; and	:	
	:	
THE ANDERSONS, INC.,	:	
	:	
Defendant/Third-party Plaintiff,	:	
	:	
v.	:	
	:	
STAR OF THE WEST MILLING	:	
COMPANY,	:	
	:	
Third-party Defendant.	:	
_____	:	

ORDER

Defendant CSX Transportation, Inc. ("CSXT") moved to alter or amend the Court's Order [313] to address a provision of the Order which could be read to imply that this Court dismissed Defendant The Andersons, Inc. based upon a consideration of the merits with regard to liability [336]. Plaintiff, who proposed the text of the subject Order, responded to oppose CSXT's Motion [339]. Having considered the

parties' respective briefs and the record in this case, and it being clear that the Court did not undertake a determination with regard to the liability of any party in ruling upon a Motion to Dismiss [310] pursuant to Federal Rule of Civil Procedure 41, it is hereby:

ORDERED that CSXT's Motion to Alter or Amend [336] is GRANTED.

It is further ORDERED that Defendant The Andersons, which has settled its claims with Plaintiff, is DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 41. This Court's Order [313] is hereby VACATED.

SO ORDERED, this 8th day of December, 2008.

/s/Thomas W. Thrash
Thomas W. Thrash, Jr., Judge
United States District Court

Prepared by:

Joyce Gist Lewis
Georgia Bar No. 296261
Casey Gilson P.C.
Six Concourse Parkway, Suite 2200
Atlanta, GA 30328
(770) 512-0300
Fax (770) 512-0070
Attorney for CSX Transportation, Inc.